

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

ALAN PICKETT,
Plaintiff

v.

ACT FULFILLMENT SERVICES,
INC.,
Defendant

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No. 1:23-CV-00452-JRN

ORDER

Before the Court is Plaintiff's Motion for Jurisdictional Discovery, Dkt. 9. In it, Plaintiff Alan Pickett asks the Court to compel Defendant ACT Fulfillment Services, Inc. to respond to Requests for Production and Interrogatories and to provide a corporate representative to address deposition topics related to the personal-jurisdiction arguments raised in ACT's motion to dismiss, Dkt. 3.¹ The District Court referred the motion to the undersigned for disposition. The Court set the motion for hearing, and, after considering the parties' briefing, the applicable law, and the arguments of counsel, the Court announced a ruling on the motion, and the reasoning for it, on the record. This written order memorializes those rulings.

The Court **GRANTS IN PART and DENIES IN PART** Plaintiff's motion, Dkt. 9. In particular, the Court grants the motion as to Plaintiff's RFPs, as modified

¹ Neither party attached Pickett's discovery requests to any of the court filings. The parties did, however, provide the Court with copies of the discovery served, which the Court will file as an exhibit to this hearing. The requests consisted of 8 RFPs, 5 Interrogatories, and 6 corporate-representative deposition topics.

below, and denies the motion in all other respects; that is, the Court denies Plaintiff's request for interrogatories and for a corporate-representative deposition.

The Court **ORDERS** ACT to respond to Pickett's requests for productions as follows:

RFP 1: Denied

RFP 2: Modified to require production of documents "for the 2 years preceding the incident to the date of the incident."

RFP 3: Granted in full.

RFPs 4-7: Limited to the 2 years preceding the incident to the date of the incident.

RFP 8: Limited to "All documentation regarding all marketing and/or advertising of Fiido bicycles in the State of Texas for the 2 years preceding the incident to the date of the incident."

The Court **ORDERS** ACT to respond to these RFPs no later than November 2, 2023.

The Court **FURTHER ORDERS** that Pickett may file a supplemental response, if any, to ACT's motion to dismiss on or before December 4, 2023. ACT's supplemental reply shall be due on or before December 16, 2023. The scope of these filings shall be limited to any matters raised in the discovery produced. Pickett's supplemental response and ACT's supplemental reply shall be limited to 10 and 5 pages, respectively.

SIGNED October 3, 2023.



DUSTIN M. HOWELL
UNITED STATES MAGISTRATE JUDGE